

# WAS NOT IN A MADHOUSE

**Respondent Magoon on  
Witness Stand for  
Himself.**

J. Alfred Magoon occupied the witness stand in his own behalf in the Supreme Court most of yesterday. Before he came on, his associate, J. Lightfoot, was cross-examined by S. M. Ballou, prosecutor for Magoon's disbarment.

The most interesting result of this process was the admission of the witness that a report of the Kamalo Sugar Co.'s affairs to the stockholders, made by him for Magoon, had dates that did not coincide with events.

A reference to this mixture of dates, when Magoon was concluding his evidence in chief, made the respondent shake with laughter for a minute. His associate questioning him caught the contagion, and the hilarity of the two even made the grave faces of the judges relax in smiles.

Magoon's evidence was an amplification of his answer to the complaint. Its burden was that at all times he had a single eye to the interests of the Kamalo Sugar Co. He declared he had not accepted the \$150 fee from Huestace—he called it "a retainer"—to represent Huestace in any way against the Kamalo Sugar Co. In that matter he acted entirely out of a humane feeling for Huestace. There was a lot of work to be done in the plan for relieving Huestace, together with money to be expended, and he could not afford the time and expenditure for nothing. The way his action had been regarded was apt to make one discouraged in trying to do anything for anyone.

"Next time you will take the last drop of blood, will you?" Lightfoot asked.

"No, I wouldn't," was the reply. "I am not built that way."

"Were you ever confined in a madhouse?"

This question staggered Stenographer Bell, no doubt from its seeming weird irrelevancy. He held up his hand and asked to have the question repeated, but the respondent did not notice the signal as he answered:

"I ought to be confined in a madhouse if those charges are true."

Previous to this a letter from Charles Huestace Jr., about which oral evidence had been given, was shown to Magoon and identified by him. It was a protest against the levying of an execution on his brother's property while he was absent from the Territory.

Before going on the stand Magoon had offered in evidence a portion of the transcript of testimony in the De-Smith quieting title case, but Ballou's objection that the whole or none should go in was sustained. At the close of Magoon's direct examination the court also sustained an objection to the admission of a paper signed by the directors of the Kamalo Sugar Co., which was published directly after Judge Gear's decision in the De-Smith case, the gist of which was that Magoon's action with reference to that case, including the alleged advice to Huestace, was taken with the full authorization of the directors. The ground of objection was that the directors were within the jurisdiction of the court and should be personally called, if their doings were to be proved, so that the prosecution could have the opportunity of cross-examining them.

Cross-examined by Ballou, the respondent said he wanted to obtain the most humane treatment of Huestace. There were many friends of Huestace in the Kamalo company who did not want him to pay more than his share of the judgment. He did not know whether these friends were assessable or paid-up shareholders, thought there were quite a number of assessable shareholders. A good many of them had the impression that Huestace was not liable for more than one-third. Huestace said the late Paul Neumann told him he was not liable for more. "I will not say he (Huestace) said it then," witness explained with reference to an office conference; "he said it at the trial."

Magoon testified he came into the Kamalo case as the successor of the late W. A. Henshall. At that time (of final judgment) there was no one here to represent the K. S. Co. Davis was away. Neumann was dead. He thought Hatch was away. Stewart came in to represent Davis.

Witness said he protested against the fees to the attorneys.

"Yes, including what was for the Henshall estate," he said in answer to a question. He could not say he was representing the Henshall estate. He did not have anything to do with acting for Henshall's estate in that.

"I still think that fee was unfair," the respondent volunteered. "I was willing to forego what benefit I would get from that fee for the sake of the Kamalo Sugar Co."

Witness did not know whether Frank Huestace's payment of his third interest included interest or not. He had the idea that Huestace had paid his full third of the judgment.

At this stage the court took a short recess, after which the cross-examination of the respondent was resumed. The trial was adjourned at 4 p. m. till 10 a. m. today.

## HOW THE FEE WENT.

With reference to attorney's fees in the Kamalo case, Judge Humphreys decreed the sum of \$20,000. The Supreme Court cut it down to \$7500 and Judge Humphreys, in accordance with the appellate court's opinion, distributed the fee as follows: \$2500 to Mrs. Neumann or to her attorneys, Hatch & Sillman; \$2500 to Mrs. Helen G.

Henshall, executrix of the will of W. A. Henshall, or to her attorney, J. A. Magoon, and \$2500 to Geo. A. Davis.

# M'CANTS STEWART STRIKES M'CLELLAN

George B. McClellan, secretary to the Delegate to Congress and Attorney T. McCants Stewart had a lively mix-up in the latter's office yesterday noon. The row arose over some papers in connection with the contest of the delegate's election. It is alleged that the two men got into a dispute regarding a deposition that was to have been obtained from H. P. Baldwin. McClellan charged Stewart with unprofessional conduct in somewhat plain language and the latter retorted by calling McClellan "the conceited servant of a Prince" or something to that effect. The secretary then responded by calling Stewart a "nigger." Then hostilities began. Stewart pitched into McClellan and beat him severely in the face. "The latter simply attempted to ward off blows, but did not return them." Then Stewart rushed out into the hall and called Mr. Kentwell in and told him he had "licked the stuffing out of McClellan." There were no arrests.

Mr. McClellan when seen by a representative of the Advertiser said:

"It is of course too much to expect that a man who would first insult and then assault a man who came to his office on business, would afterward tell the truth about it. Mr. Stewart having wantonly struck me, as a matter of course, now makes false statements to justify his actions."

"My protest against Stewart's letter was dignified and without passion. His reply to me was deliberately insulting and in language which only a man of perfect self-control could endure without reply."

"I did not strike the slightest warning when Stewart struck me a vicious blow in the face; my only action was to throw out my arm to ward off his blows."

"We were absolutely alone in the office until Stewart desisted from his blows and ran out to call Mr. Kentwell; hence I have no witness to his assault or to disprove his statement that I struck a return blow."

"I did not strike a blow nor endeavor to do so. I will never willingly be a party to a personal brawl, and even if I were a fighting man, I am not so low as to engage in a common fight with a negro."

"I deplore the whole incident more than I can say, but feel that I am the victim of an irresponsible and low-bred negro, who does not hesitate to first grossly insult and then wantonly strike one who has come to his office on business."

# TAKES NO HAND

(Continued from page 1.)

ment for a little while.

"Watson was very calm, otherwise our Senator would get something he never got in his young days. The crowd were very anxious to continue the row in favor of Watson. Some of the fighting boys asked Watson to make another speech to tease McCandless, and get him to start the row, which Watson promptly refused. Very sorry Senator made a big mistake this time. The Watsons will work to throw him down at the next general election. Watson will let out what he knows, and what he saw, hereafter. Very truly yours,

(Signed) "THOMAS SPENCER.

"May 15, 1905."

All of which would seem to indicate that Senator McCandless took that storage battery against the Pall with him last Saturday. But other statesmen have their troubles. It is said that there will be at least one delegation contested in the Convention Saturday.

# COMPLETE LIST OF DELEGATES

## FOURTH DISTRICT.

First Precinct—J. H. Boyd, A. M. Brown, T. P. Cummins, J. L. Holt, S. Kauni, S. M. Kakanani, William C. Roe, George W. Macy—8.

Second Precinct—C. H. Cooke, John Waterhouse, J. A. Hughes, Gerrit Wilder, J. A. Gilman, R. W. Aylett, C. S. Crane, A. Hocking, H. E. Murray, Frank Kruger—10.

Third Precinct—Chas. W. Booth, Robert N. Boyd, B. J. Wright, J. I. Souza, Chas. N. Marquez, O. Sorenson, S. Kaunamano, John Mana, David Kahanui, A. K. Keao—10.

Fourth Precinct—B. H. Atwood, A. D. Castro, C. L. Crabbe, W. L. Emoy, E. E. Hartman, Sam Kamakau, Albert Lucas, J. Marcellino, A. H. Moore, Sam Parker, A. V. Peters, E. Woolward—12.

Fifth Precinct—Peter Baron, J. J. Belser, Chas. Coster, Mike Harvey, Samuel Johnson, W. H. Kailimai, Tom Kakalia, E. K. Lilikalani, I. Nauha—9.

Sixth Precinct—Lorrin Andrews, W. C. Drake, J. Fox, J. J. Hughes, H. Klemme, H. Kruger, C. Murasky, C. K. Quinn, D. J. Rooney, W. Stansbury, G. A. Yarrick—11.

Seventh Precinct—George Chalmers—1.

Eighth Precinct—C. Huestace, Jr., T. H. Petrie, F. B. Damon, Chas. Crozier, C. W. Ziegler, C. L. Beal, C. A. Long, J. A. Johnson, J. Lucas—9.

Ninth Precinct—Geo. Kawai, J. Kealoha, Dick Paeaawa, J. C. Quinn, Geo. Smithies, H. E. Lockwood, H. Newland—7.

Tenth Precinct—W. W. Harris, Kalimapehu, Louis Marks, J. W. Cathcart, Chas. Girdler, Geo. Makelena, Jack Kuamoo, Wm. Noa—8.

Total, Fourth District, 85.

## FIFTH DISTRICT.

First Precinct—John Tell, W. K.

# MR. DOWSETT REPORTS REFUSAL TO CONFER

The Senate was in session yesterday and ready for business, but did little because there was little to do. Indeed, Senator Dowsett, from the conference committee on the current expense bill, made the somewhat remarkable report, which he asked should be put into the record, that the House conferees through their chairman had refused to confer upon the bill until the House had passed the salaries bill. And that is a departure in legislation entirely new. Of course, if the House committee will not confer, the Senate is helpless. It can merely meet from day to day, awaiting the pleasure or the whim of the House.

The House worked very steadily yesterday, passing the Loan bill and taking up the salaries bill.

"We are merely holding up the current expense bill until the salaries bill is passed in order that we may get both measures within the Territorial revenues," said Chairman Harris of the House Finance Committee last night. "Where would we be if the current expense bill were passed, and then the salaries bill did not get within the revenues?"

## THE SENATE.

In the Senate yesterday morning, Dowsett reported that the House members of the conference committee on the current expense bill had refused, through their chairman, to go into conference on that measure until after the House had passed the salaries bill. "That is a strange procedure," said Paris.

"Did they make any explanation of the refusal?"

"That is the explanation," answered Dowsett. "I want it to go on record. I do not know what the idea is. They may want us to wait until they pass the salaries bill, and refer both measures to the same committee. I understand that they have made certain increases, and they may think that we will not concur in these."

There was not a thing on the order of the day when the Senate was called to order. The clerk, however, had read a letter from the House containing a notification of failure to accept the report of its conference committee on Senate Bill No. 6.

## ISENBERG OBJECTS.

From the conference committee on Senate Bill No. 6, Dowsett reported striking out various items and reducing others. The item of \$4267 to reimburse the Hawaiian American Construction Company was reduced to \$2500. This was the important matter in the report, the other items reduced and stricken out being for very small amounts. The bill is the deficiency appropriation measure. Mr. Cogho's items to reimburse former county officials on Maui were stricken out.

The report was adopted on call of the ayes and noes, which passes the bill. Brown and Isenberg voted against the bill.

"That Brewer wharf item should never have been in the bill," said President Isenberg, sotto voce, after he had cast his vote against the report. He referred to the item of \$2500 to reimburse the Hawaiian-American Construction Company.

## DICKEY'S ANCHOR TO WINDWARD

Achi introduced an act making special appropriations of \$50 to pay an unpaid bill of the Board of Agriculture and Forestry. It passed first reading, and will be read for the second time tomorrow.

From the conference committee on Senate Bill No. 5, making special appropriations for the departmental use of the Territory, Achi reported making the total carried by the bill \$44,605.11, a reduction of \$250. The report was adopted. Kalamo, Dowsett, Hewitt and McCandless voted against it. This passes the bill.

Diekey asked the Chairman of the Ways and Means Committee what had been done with his alternative bill, introduced as an anchor to windward in case the County Act should fail, making appropriations to conduct the Territorial government and avoid an extra session.

"Nothing has been done with it," answered Dowsett. "We thought it better to wait until all the bills had been disposed of."

"There was no bill referred to our committee," said Paris. "It was only a report of the Judiciary Committee upon it."

Dowsett read the report to show that the committee had no bill before it. He and Dickey protested that the Senate could get the bill if it wanted it and then the Senate adjourned until today.

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Leleivi, J. Kaohohelo, J. Calles—4.

Second Precinct—Andrew Adams, Richard Lane, S. W. Logan—3.

Third Precinct—Andrew Cox, Oscar Cox, W. W. Goodale, Edward Hore, H. H. Plummer, Lowell Kinney—6.

Fourth Precinct—C. J. Holt, F. Meyer, M. K. Leleo—3.

Fifth Precinct—George F. Renton, P. C. Swift—2.

Sixth Precinct—C. N. Arnold, Geo. W. Nuwaakoa, C. F. Darcy, John De Fries, S. Hookano, R. A. McKeague—6.

Seventh Precinct—Joe Fern, S. Mahelona, H. Alapai, S. K. Paula, J. M. Keawe, D. Kahanuani—6.

Eighth Precinct—A. S. Kaleiops, D. Kama, Lot K. C. Lane, N. Fernandez, S. C. Dwight, J. K. Maunakea, S. M. Pulehu, J. Kapono—8.

Ninth Precinct—J. S. Kalakiola, K. Kumanoo, M. C. Amama, E. R. Adams, A. F. Judd, A. St. C. Pinnasi, Wm. Paikule, Edgar Henriques, F. P. T. Waterhouse—9.

Tenth Precinct—Chas. Broad, Wm. Isaac, H. Holbrook, Wm. H. Crawford, C. H. Clark, Joe Ricard, Charles Kanekoa, Eddie Kenloha, Kanepuu—9.

Eleventh Precinct—Jim Kupihea, H. Haka, Mailuani, Mahelona, Ben Zablan—5.

Total, Fifth District, 61.

Grand total, Oahu, 146.

## THE HOUSE.

The salaries bill (S. B. No. 2) at last is fairly before the House of Representatives and the fate that it is to meet will be watched with a good deal of interest by a great many people. The bill when it came to the House, as it will be remembered, was submitted to a special committee of seven and that committee reported yesterday afternoon shortly after the House resumed its session at 3 o'clock.

## SOME BIG INCREASES.

The report was a lengthy one, as it was a reproduction of the bill in its entirety, as already published, with a number of changes. The total amount of salaries was increased from \$1,399,080 to \$1,525,383. The most important increases are in the pay of road engineers, draftsmen, inspectors and chairmen for the Public Works Department, from \$8000 to \$36,800, and of the payroll of school teachers from \$330,000 to \$600,000.

The bill passed second reading and the fight on items will come up on third reading.

## OUTS MAUI'S CLAIM OUT.

The joint conference committee on the unpaid bills bill (Senate Bill No. 6) submitted its report.

The items dealt with were as follows: Roads and bridges, Puna, John Moore \$45. Stricken out.

Reimbursement Kohala Sugar Co., repairing Honokane road \$1126.20. Stricken out.

To pay American-Hawaiian Engineering and Construction Co., Ltd., \$4267. Reduced to \$2500.

Road damages, Hana, W. K. Keoho claim, \$100. Reduced to \$50.40.

Road damages, Wailuku, \$36.30. Stricken out.

Road damages, Kaunoi, Kawaihau road board, \$100. Stricken out.

Road damages, Kona, Kaupunaona claim, \$500, reduced to \$100. Kamahala claim, \$215, reduced to \$75. Naliole claim, \$137, stricken out.

Expenses of county government, Maui, in 1904, all stricken out. Commenting on this the committee's report says:

"These items were inserted to cover expenses of county government on Maui, in view of the fact that county government will be in force on and after July 1, 1905, it will be better to leave the payment of the items to the counties rather than burden the Territory with any further expense at the present time."

Incidentals, Hilo Electric Light Company, \$99.60. Stricken out.

Total of \$23,627.22 reduced to \$18,364.19.

The report was adopted and the bill passed third reading.

## WANT MOSQUITO KILLERS.

The Health Committee submitted a report on the message of Governor Carter recommending the introduction of a certain small fish of the "stickle-back" variety from Mexico for the purpose of destroying the larvae of mosquitoes. The committee stated that it had carefully enquired into the matter and found that there was no fear of the fish eating the spawn of such fish as the opae. It recommended the insertion of an item of \$1500 to bring the fish here.

## THE ELEU'S REPAIRS.

The conference committee on the deficiency bill reported in favor of its passage with amendments.

The amendments reduced the total from \$44,990.11 to \$44,605.11.

The following items were dealt with:

To reimburse P. N. Kahahuohuna, \$150. Stricken out.

To repair Molokai Settlement telephone system, \$100. Reduced to \$50.

To reimburse Alexander Lindsay, Jr., for salary, \$185. Stricken out.

The report was thus identical with that submitted by the former conference committee with the exception that the sum for repairs to the tug Eleu was left in the bill instead of being stricken out.

The House adopted the report and passed the third reading of the bill.

## THAT POI MACHINE.

President Pinkham of the Board of Health wrote a letter pointing out the necessity for an appropriation for a poi machine at the Settlement and it was read to the House of Representatives yesterday morning. He stated that during the past few months over \$1300 worth of poi had been spoiled either in transit or owing to the impossibility of landing freight on account of bad weather. The installation of a machine would stop any such losses and the Board would then pursue

chase taro instead of poi.

The Board also asked for \$15,000 to increase the water supply.

The matter was referred to the conference committee on appropriations.

## LOAN BILL PASSES.

Senate Bill No. 3, the loan appropriation bill, came up for third reading. Nakuina introduced an amendment to take \$1000 from the sum for relocating the Kawela road, Molokai, and add the amount to the sum for the new road, Wailuku to Pukoo, Molokai. The amendment was adopted.

An amendment was submitted by Kaniho to separate \$1600 from Hawaii's \$18,000 for school buildings in order to apply it particularly to a North Kohala school. The amendment was tabled.

Harris introduced an amendment to reduce the appropriation for Palolo road to \$10,000 from \$12,500; to reduce the Manoa road appropriation to \$12,000; to insert a new item to relocate road leading east from Pali avenue, \$1500; to insert a new item of \$1500 for relocating Kailua road.

One further amendment was made at the instance of McHelona, who moved to change the general appropriation of \$300,000 for Honolulu water works to \$230,000, and especially providing for the \$23,000 to be deducted to be used for piping Panoa water.

The bill then passed third reading as amended.

# MEETING FOR YOUTH

(Continued from page 1.)

nerves. At the close when the speaker asked how many boys would try to live clean and temperate lives almost every boy in the room leaped to his feet.

Votes of thanks were unanimously extended by the boys to Dr. Ostrom and the singers and there was much applause for the Boys' Clubs. At the conclusion of the service Rev. E. B. Turner, who presided, announced that the trophy banner that was to go to the company making the best score in the competitive military drill would be awarded later. Four companies took part in the drill, one from Kawaiahae, two from Kaula, and one from the Kamehameha Preparatory school. The latter company, uniformed in white, won much applause by its excellent marching. All the companies surprised the spectators by their proficiency in the drill.

## AT CENTRAL UNION.

The regular song service opened the meeting at Central Union church last night. After prayer by Dr. Ostrom and the reading of the announcements, Mr. Butler sang, by request, the beautiful solo, "The Voice of God's Creation." Dr. Ostrom took as his text, Romans 14:17, "For the kingdom of God is righteousness and peace and joy in the Holy Ghost." He said in part:

"Righteousness is a rugged term, used vastly more in the Bible than religion. Righteousness stands as a rock of Gibraltar. It is something that is firm and immovable. It is the great thing in life. If we have taken the emphasis off destiny and put it upon character we have gained."

"I believe in an awful punishment for sin, for I believe that we must have a moral quarantine as much as a physical. But while I believe in an awful punishment for sin, I am not so concerned about getting people out of perdition, as I am about getting perdition out of the people. I believe in a beautiful heaven, but I am more anxious to get heaven into the people than I am to get the people into heaven."

"The great motto of the English revival has been, 'Get right with God.' The first consideration is to get right, not to get happy; to get right. The kingdom of God is righteousness. There are many conceptions of peace. Many men try to produce peace by artificial means. But there can be no peace until the heavenly government proclaims peace. As long as a man's conscience is at war with God there can be no real peace."

"Can you ever picture God as frustrated. No, no, if you could, you could not sleep tonight. We must always think of him as ever omnipotent and supreme. And he says that his peace guards our heart. The very peace that makes God steady will guard you and I. But, mark you, righteousness first."

"But the apostle says also—'Joy.' Joy is a wonderful thing, far deeper than happiness. Joy, through righteousness, how sweet it is! It is natural for men to seek joy. Some men drink to get it—some head next morning, but joy for a while. Some church members go to shows, that their mothers would have blushed to have heard about. All after joy, but pity it is that men are not willing to believe in God's method of getting joy. They don't believe that God is able to give them joy."

"It is righteousness and peace and joy from God, and in God, and if you believe in a great God, you will claim these gifts from Him."

After prayer by Mr. Wadman and the singing of "Trust and Obey" the meeting was turned over to Dr. Kincaid, while Dr. Ostrom hurried to the Y. M. C. A. auditorium to address the boys' meeting. Many persons signed the desired cards before the close of service.

## OTHER SERVICES.

There was a big attendance at the noon service yesterday when Dr. Ostrom spoke on the "Third Commandment." In the afternoon he spoke to another audience on the subject of "What Hindered Pentecost." Today is the last day for services this week. Sunday there will be special services, the afternoon meeting being held in Kawaiahae church. Next Tuesday the meeting of the Hawaiian Evangelical Association and the Bible Conference begins.

Mrs. C. K. Brown, a daughter of the late Judge Abram Fernandez, died yesterday morning at the Cummins home, Pawa. She was one of the oldest teachers on the Royal school staff, having taught there 32 years, and deeply versed in Hawaiian lore. The funeral will take place from the residence of Thos. P. Cummins at 4 p. m. today. Rev. Father James officiating.

# A WILLING WITNESS

**Causes Some Misplaced  
Mirth--The Puna  
Sale, Etc.**

"They both got hair."

This reply of Julius Caesar Freitas to a cross-question by Attorney General Andrews, in the Naone murder trial, caused an explosion of hilarity which only the extreme provocation saved from the character of blasphemy on such a solemn occasion.

Julius Caesar was showing himself to be what is called, in legal parlance, "a willing witness," in such degree as led the Attorney General to ask him if he had been subpoenaed. He did not know that big word and further questioning brought out the information that, when he heard that the defendant was in trouble, he talked about Naone as he remembered him when they went to school together.

"No, it was not the time the woman was killed; I had nothing to do with the killing of the woman," the witness almost shrieked.

"It was about four days ago," he went on to say. "He told me to come to the court." Witness pointed his finger at the row of four attorneys—Messrs. Andrews, Cathcart, Thompson and Dunne, in that order from the stand.

"Was it the attorney with the white hair or the one with the dark hair?" Mr. Andrews asked.

"They both got hair," was the reply shot back. Mr. Thompson instinctively felt his auburn locks, and Mr. Dunne his thinning jet tresses.

Then Mr. Thompson gently placed his hand upon the shiny pate of Mr. Cathcart. This last act put upon the answer of the witness the inferential construction that his invitation had come from one of the gentlemen sitting beyond the associate counsel for the prosecution.

Even the court smiled as its knuckles anticipated the corrective thud of the bailiff's gavel.

The witness is a bandboy and he indignantly repudiated the suggestion that defendant's father got him his place in the band. His story was to the effect that Naone in school was a sickly fellow. He looked miserable and wan then. His appearance, as he sat there in court, was much better than when he went to school.

"He don't look very healthy, to tell you the truth," was the expert opinion ventured by Julius Caesar, referring to Naone's present condition.

Mrs. Naone, mother of defendant, was cross-examined in the morning. Her voluntary evidence that she, as well as her grandfather, had been subject to epileptic